

Serial No. 10/680,904
Attorney Docket No. 300250-40004C
Amendment

AMENDMENTS TO THE CLAIMS:

This listing of the pending claims will replace all prior versions and listings of claims in this application:

1 - 15. (Cancelled)

16. (Currently Amended) A container blank comprising:

a substrate having a barrier material on one side of said substrate, wherein said substrate is dimensioned and shaped to be folded into a closed container having a front panel, a first side panel, a rear panel and with at least one or more fin seal areas; and ~~further comprising~~

a partially weakened substrate region ~~on said substrate~~ formed on a side opposite said barrier material and extending across at least said front panel, said first side panel and said rear panel, wherein said weakened region ~~being~~ is dimensioned to align with a fitment.

17. (Currently Amended) A container formed from the blank of claim ~~4~~ 16 wherein said container blank is folded into the shape of a container, at least two perimeters are fin sealed to each other and a fitment is secured to an outside surface of said container and aligned with said partially weakened region.

18. (Previously Presented) The container of claim 17 wherein said fitment comprises a frame and a moveable lid secured to said frame.

19. (Currently Amended) The ~~fitment~~ container of claim 18 wherein said fitment further comprises a first locking means for securing said lid to said frame in a closed position.

20. (Currently Amended) The ~~fitment~~ container of claim 18 wherein said fitment further comprises a second locking means for retaining said lid in an open position relative to said

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frame.

21. (Currently Amended) The container of claim 17 ~~wherein said container has~~ further comprising a skived side ~~seamed region~~ seam.

22. (Previously Presented) The container of claim 18 wherein said lid is hingedly connected to said frame.

23. (Previously Presented) The container of claim 19 wherein said first locking means of said fitment is comprised of a first tab element located on said frame and in alignment with a first slot element located on said lid.

24. (Previously Presented) The container of claim 20 wherein said second locking means is a second tab element located on said frame and aligned with a said lid so that said lid is retained in an open position when a surface of the lid extends behind said second tab.

25. (Previously Presented) The container of claim 24 wherein said lid further comprises a second slot aligned with said second tab element.

26. (Currently Amended) The ~~fitment~~ container of claim ~~17~~ 18 wherein ~~the~~ said frame and said lid are molded from plastic.

27. (Currently Amended) The ~~fitment~~ container of claim ~~17~~ 18 wherein a perimeter of said frame ~~perimeter~~ and a perimeter of said lid ~~perimeters~~ are beveled so that at least some portion of said lid extends beyond the perimeter of said frame to form a close fit between said lid and said frame.

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28. (Currently Amended) The container of claim 17 wherein said partially weakened region is formed at a top corner of said container.

29. (Currently Amended) The container of claim ~~17~~18 wherein said container is opened by moving said lid to an open position and removing at least some portion of ~~the~~ said container in the general vicinity of ~~the~~ said partially weakened substrate region.

30. (Currently Amended) The container of claim 29 ~~wherein said substrate weakened region is in the in the vicinity of the~~ further comprising a skived side seamed seam.

31. (Previously Presented) The container blank of claim 16 wherein the barrier material is selected from the group consisting of metallized polyester, metallized polypropylene, metallized oriented polypropylene, metallized biaxially oriented polypropylene, PVDC-coated polypropylene, ethylene vinyl alcohol, nylon, aluminum foil and combinations thereof.

32. (Previously Presented) The container blank of claim 16 wherein said container substrate is selected from the group consisting of solid bleached sulfate (SBS) paperboard, clay-coated newsback (CCNB), coated solid unbleached sulfate (SUS), multi-ply folding box board, kraft paperboard, polymeric materials and any combination thereof.